



District Clerk - AARO - Attorney Access to Records Online

Details

Updated : Wednesday, April 7, 2021 4:36:36 AM

Cause Number

D-1-GN-21-000772

[Request Documents](https://www.traviscountytexas.gov/district) (<https://www.traviscountytexas.gov/district>)

Style

HOPWOOD V. HOME DELIVERY LINK

[New Search \(/aaro/\)](#)

Filed Date

2/22/2021

Court

126

Type

PERSONAL INJURY OTHER (GEN LIT)

Case Status

PENDING

Action/Offense

Hearing Date

Attorney	Type	Party - Full/Business	Party - Person
ASPY P. CLARK	DEFENDANT	LIVING SPACES FURNITURE	
ASPY P. CLARK	DEFENDANT	HOME DELIVERY LINK INC	
BENNETT CHRISTOPHER WILLIAM	PLAINTIFF		HOPWOOD, CLIFFORD

Date	Court	Party	Description	Category	Pages	
4/2/2021	126	DF	ANSWER/RESPONSE	ANS-RESP	4	Download (/aaro/Default/GetPdf?barCodeId=7544849)
3/10/2021	126	DF	EXECUTED SERVICE	SRVPROCESS	3	Download (/aaro/Default/GetPdf?barCodeId=7508949)
3/2/2021	126	DF	ISS:CITATION	ISSUANCE	1	Download (/aaro/Default/GetPdf?barCodeId=7496316)
3/2/2021	126	DF	ISS:CITATION SEC ST-INS-HWY	ISSUANCE	1	Download (/aaro/Default/GetPdf?barCodeId=7496304)
2/22/2021	126	PL	ORIGINAL PETITION/APPLICATION	PET-PL	7	Download (/aaro/Default/GetPdf?barCodeId=7498066)
2/22/2021	126	PL	OTHER FILING	OTHER	2	Download (/aaro/Default/GetPdf?barCodeId=7485626)
2/22/2021	126	PL	OTHER FILING	OTHER	2	Download (/aaro/Default/GetPdf?barCodeId=7485621)

[Request Documents](https://www.traviscountytexas.gov/district-clerk/records-request) (<https://www.traviscountytexas.gov/district-clerk/records-request>)[New Search \(/aaro/\)](#)

The State of Texas

Service of Process
P.O. Box 12079
Austin, Texas 78711-2079



Phone: 512-463-5560
Fax: 512-463-0873
Dial 7-1-1 For Relay Services
www.sos.texas.gov

Ruth R. Hughs
Secretary of State

March 22, 2021

Home Delivery Link, Inc aka Home Delivery Inc.
32236 Paseo Adelanto, Suite C
San Juan Capistrano, CA 92675

2021-325973-1

Include reference number
in all correspondence

RE: Clifford Hopwood vs Home Delivery Link Inc, et al
126th Judicial District Court Of Travis County, Texas
Cause No. D1GN21000772

Dear Sir/Madam,

Pursuant to the Laws of Texas, we forward herewith by CERTIFIED MAIL, return receipt requested, a copy of the process received by the Secretary of State of the State of Texas on March 9, 2021.

CERTIFIED MAIL #71901046470101279320

Refer correspondence to:

Christopher W. Bennett
Law Offices of Zimmerman Zimmerman Cotner LeJeune Ressetar & Bennett
3501 West Waco Drive
Waco, TX 76710

Sincerely,

Service of Process
Government Filings
512-463-1662
GF/vm
Enclosure

10:28 AM
3-9-2021
Process Server # PSC225

C I T A T I O N
T H E S T A T E O F T E X A S
C A U S E N O. D-1-GN-21-000772

CLIFFORD HOPWOOD

, Plaintiff

vs.
HOME DELIVERY LINK, INC A/K/A HOME DELIVERY LINK AND LIVING SPACES FURNITURE

, Defendant

TO: HOME DELIVERY LINK, INC A/K/A HOME DELIVERY, INC.
BY SERVING THROUGH THE TEXAS SECRETARY OF STATE RUTH R. HUGHS OR HER AGENT/SUCCESSOR
1019 BRAZOS STREET
AUSTIN, TEXAS 78701

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org."

Attached is a copy of the PLAINTIFFS ORIGINAL PETITION of the PLAINTIFF in the above styled and numbered cause, which was filed on FEBRUARY 22, 2021, in the 126TH JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, March 02, 2021.

REQUESTED BY:
CHRISTOPHER WILLIAM BENNETT
3501 WEST WACO DRIVE
WACO, TX 76710
BUSINESS PHONE: (254) 752-9688 FAX: (254) 752-9680



Velva L. Price
Velva L. Price
Travis County District Clerk
Travis County Courthouse
1000 Guadalupe, P.O. Box 679003 (78767)
Austin, TX 78701

PREPARED BY: RUBEN TAMEZ

- - - - - R E T U R N - - - - -

Came to hand on the _____ day of _____, _____ at _____ o'clock _____ M., and executed at _____ within the County of _____ on the _____ day of _____, _____, at _____ o'clock _____ M., by delivering to the within named _____, each in person, a true copy of this citation together with the PLAINTIFFS ORIGINAL PETITION, LAWYER REFERRAL accompanying pleading, having first attached such copy of such citation to such copy of pleading and endorsed on such copy of citation the date of delivery.

Service Fee: \$ _____

Sheriff / Constable / Authorized Person

Sworn to and subscribed before me this the _____ day of _____, _____.

By: _____

Notary Public, THE STATE OF TEXAS

Printed Name of Server: _____
County, Texas

D-1-GN-21-000772

SERVICE FEE NOT PAID

P12 - 000002304

325973

2/22/2021 3:26 PM

Velva L. Price
District Clerk
Travis County
D-1-GN-21-000772
Ruben Tamez

NO. D-1-GN-21-000772

CLIFFORD HOPWOOD, § IN THE DISTRICT COURT OF
Plaintiff, §
§
§
V. § TRAVIS COUNTY, TEXAS
§
§
HOME DELIVERY LINK, INC. aka §
HOME DELIVERY LINK and §
LIVING SPACES FURNITURE §
Defendants. § 126TH JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Clifford Hopwood, Plaintiff herein, complaining of and about Home Delivery Link and Living Spaces Furniture, Defendant herein, who were acting in conformity with the allegations in this Petition and for cause of action would show unto the Court the following:

DISCOVERY CONTROL PLAN LEVEL

1. Plaintiff intends that discovery be conducted under Discovery Level 2 of the *Texas Rules of Civil Procedure*.

PARTIES AND SERVICE

2. Plaintiff Clifford Hopwood is an individual residing in Travis County, Texas.

3. Defendant Home Delivery Link, Inc. is a foreign for-profit corporation and

is sued under its assumed or common name, "Home Delivery Link", pursuant to TEX. R. CIV. P. 28. As Defendant transacts business in Texas without being registered as required by Chapter 9 of the Texas Business Organizations Code and as Defendant fails to appoint or maintain a registered agent in Texas, Defendant may be served through the secretary of state pursuant to section 5.251 of the Texas Business Organizations Code. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

4. Defendant Living Spaces Furniture is a foreign for-profit company registered to do business in the state of Texas and is sued under its assumed or common name pursuant to TEX. R. CIV. P. 28. Defendant may be served pursuant to sections 5.255 of the Texas Business Organizations Code by serving its registered agent: Capitol Corporate Services, Inc., 206 E. 9th Street, Suite 1300, Austin, Texas 78701-4411. Service of said Defendant as described above can be effected by certified mail, return receipt requested.

JURISDICTION AND VENUE

5. Plaintiff seeks only monetary relief over \$250,000 but not more than \$1,000,000.

6. The subject matter in controversy is within the jurisdictional limits of this Court.

7. This Court has jurisdiction over Defendants because they purposely availed

themselves of the privilege of conducting activities in the State of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendant, and the assumption of jurisdiction over Defendant will not offend traditional notions of fair play and substantial justice and is consistent with the constitutional requirements of due process.

8. In addition, and in the alternative, Plaintiff would show that Defendants had continuous and systematic contacts with the State of Texas sufficient to establish general jurisdiction over said Defendants.

9. In addition, and in the alternative, Plaintiff would also show that the cause of action arose from or relates to the contacts of Defendants to the State of Texas, conferring specific jurisdiction with respect to said Defendant.

10. Venue in Travis County is proper in this cause under TEX. CIV. PRAC. & REM. CODE §15.002(a)(1) because all or a substantial part of the events or omissions giving rise to this lawsuit occurred here.

11. All conditions precedent have been met or have occurred.

FACTS

12. On or about March 23, 2019, Plaintiff entered the Living Spaces Furniture warehouse in Pflugerville, Texas while working as a delivery driver for Black Sheep, LLC. While in the warehouse, Plaintiff was run into by Christopher Brunell, while Brunell was in the course and scope of his employment with Defendants, knocking Plaintiff to the

ground and cause Plaintiff to suffer serious physical injuries.

PLAINTIFF'S CLAIM AGAINST DEFENDANTS

13. Christopher Brunell had a duty to exercise the degree of care that a reasonably careful person would use to avoid harm to others under circumstances like those described herein.

14. Plaintiff's personal injuries were proximately caused by Brunell's negligent, careless, and reckless disregard of said duty.

15. The negligent, careless, and reckless disregard of duty of Brunell consisted of, but is not limited to, the following acts and omissions:

- a. Brunell's failure to keep a proper lookout for Plaintiff's safety that would have been maintained by a person of ordinary prudence under the same or similar circumstances;
- b. Brunell's failure to be attentive to his surroundings; and
- c. Brunell's failure to avoid colliding with Plaintiff.

16. Each of such acts and omissions by Defendant, singularly or in combination with others, constituted negligence which proximately caused the collision and the personal injuries which Plaintiff suffered.

17. Under the doctrine of *respondeat superior*, Defendants are vicariously liable for the actions of their respective employee(s) who were acting within the course and scope of their employment with Defendant.

DAMAGES FOR PLAINTIFF

18. As a direct and proximate result of the occurrence made the basis of this lawsuit, and Defendant's acts as described herein, Plaintiff was caused to suffer injuries to her person and to incur the following damages:

- a. Reasonable medical care and expenses in the past. These expenses were incurred by her for the necessary care and treatment of the injuries resulting from the accident complained of herein and such charges are reasonable and were usual and customary charges for such services in the Texas counties in which they were incurred;
- b. Reasonable medical care and expenses which, in all probability, will be incurred in the future;
- c. Physical pain and suffering in the past;
- d. Physical pain and suffering which will, in all probability, be incurred in the future;
- e. Physical impairment in the past;
- f. Physical impairment which, in all probability, will be suffered in the future;
- g. Lost wages in the past;
- h. Loss of earning capacity which, in all probability, will be concerned in the future.

PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that Defendants be cited to appear and answer herein, and that upon a final hearing of the cause, judgment be entered for Plaintiff against Defendants for damages in an amount within the jurisdictional limits of the Court; together with pre-judgment interest at the maximum rate allowed by law; post-judgment interest at the legal rate, costs of court; and such other and further relief to which Plaintiff may be entitled at law or in equity.

Respectfully submitted,

**LAW OFFICES OF ZIMMERMAN, COTNER,
LEJEUNE, RESSETAR, BENNETT & LANE
A Professional Corporation
3501 West Waco Drive
Waco, Texas 76710
(254) 752-9688
(254) 752-9680 (fax)**

BY: /s/ Christopher W. Bennett

Christopher W. Bennett
State Bar No. 24069367
cbennett@zlawhelp.com

ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Julie Pledger on behalf of Christopher Bennett
Bar No. 24069367
jpledger@zlawhelp.com
Envelope ID: 50782335
Status as of 2/23/2021 2:19 PM CST

Associated Case Party: Clifford Hopwood

Name	BarNumber	Email	TimestampSubmitted	Status
Christopher W.Bennett		cbennett@zlawhelp.com	2/22/2021 3:28:55 PM	SENT
Julie Neal		jpledger@zlawhelp.com	2/22/2021 3:26:55 PM	SENT

THE LAWYER REFERRAL SERVICE OF CENTRAL TEXAS
A Non-Profit Corporation

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AND DON'T KNOW ONE,
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bankruptcy, and social security disability)**

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under Chapter 952, Occupations Code. Certificate No. 9303**

**SI USTED NECESITA EL CONSEJO DE UN
ABOGADO Y NO CONOCE A NINGUNO
PUEDE LLAMAR
A LA REFERENCIA DE ABOGADOS**

**512-472-8303
866-303-8303 (llame gratis)
www.AustinLRS.com**

**Abierto de lunes a viernes de 8:00 am-4:30 pm
\$20.00 por la primera media hora de consulta con un abogado
(la consulta es gratis si se trata de daño personal, negligencia,
Indemnización al trabajador, bancarrota o por incapacidad del Seguro Social)**

**This service is certified as a lawyer referral service as required by the State of Texas
under Chapter 952, Occupations Code. Certificate No. 9303**

EXHIBIT A

3/10/2021 2:18 PM

Velva L. Price
 District Clerk
 Travis County
 D-1-GN-21-000772
 Norma Ybarra

CLIFFORD HOPWOOD

VS.
 HOME DELIVERY LINK, INC A/K/A HOME DELIVERY LINK AND LIVING SPACES FURNITURE

, Plaintiff
 , Defendant

TO: LIVING SPACES FURNITURE
 BY SERVING ITS REGISTERED AGENT CAPITOL CORPORATE SERVICES, INC.
 206 E. 9TH STREET #1300
 AUSTIN, TEXAS 78701-4411

Defendant, in the above styled and numbered cause:

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 A.M. on the Monday next following the expiration of twenty days after you were served the citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

Attached is a copy of the PLAINTIFFS ORIGINAL PETITION of the PLAINTIFF in the above styled and numbered cause, which was filed on FEBRUARY 22, 2021 in the 126TH JUDICIAL DISTRICT COURT of Travis County, Austin, Texas.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at office, March 02, 2021.

REQUESTED BY:
 CHRISTOPHER WILLIAM BENNETT
 3501 WEST WACO DRIVE
 WACO, TX 76710
 BUSINESS PHONE: (254) 752-9688 FAX: (254) 752-9680



Velva L. Price
 Travis County District Clerk
 Travis County Courthouse
 1000 Guadalupe, P.O. Box 679003 (78767)
 Austin, TX 78701

PREPARED BY: RUBEN TAMEZ

----- RETURN -----

Came to hand on the _____ day of _____, _____ at _____ o'clock _____ M., and executed at
 _____ within the County of _____ on the _____ day of
 _____, _____, at _____ o'clock _____ M.

by delivering to the within named _____, each in person, a true copy of this citation
 together with the PLAINTIFFS ORIGINAL PETITION, LAWYER REFERRAL accompanying pleading, having first attached such copy of such citation to
 such copy of pleading and endorsed on such copy of citation the date of delivery.

See Attached Return of Service

Service Fee: \$ _____

Sheriff / Constable / Authorized Person

Sworn to and subscribed before me this _____

By: _____

____ day of _____, _____.

Printed Name of Server _____

Notary Public, THE STATE OF TEXAS

County, Texas

D-1-GN-21-000772

SERVICE FEE NOT PAID

P01 - 000103756

126th Judicial District Court of TRAVIS County, Texas

Cause No. D-1-GN-21-000772

Clifford Hopwood

Plaintiff,

Home Delivery Link, Inc. aka Home Delivery Link and Living Spaces Furniture

*Defendant,***AFFIDAVIT OF SERVICE**

Corporation/Business

I, Mark S. Burrow, make statement to the fact, that I am a competent person more than 18 years of age or older and not a party to this action nor interested in the outcome of this suit. I am a certified private process server authorized by the Judicial Branch Certification Commission of Texas and remain in good standing. I received the document(s) stated below on 03/02/2021 at 2:01 PM instructing for same to be delivered upon Living Spaces Furniture by serving its registered agent Capitol Corporate Services, Inc.

That I delivered to: Living Spaces Furniture by serving its registered agent Capitol Corporate Services, Inc.

At the address of: 206 E. 9th Street, Suite 1300, Austin, TX 78701 located in the County of Travis

On this date and time: 3/9/2021 at 10:40 AM

In the manner: by personally delivering the document(s) to the AUTHORIZED PERSON, Paul Morales . Agent For Service Of Process.

The following document(s): Citation; Plaintiff's Original Petition; Lawyer Referral Service

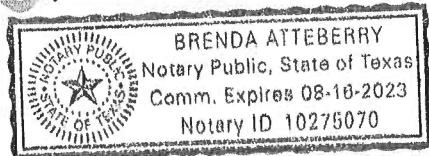
Comments:

I SOLEMNLY AFFIRM under the penalties of perjury that the contents of the foregoing paper are true, correct, and within my personal knowledge.

Mark S. Burrow, PSC-275, Exp. 12/31/2022

SUBSCRIBED AND SWORN TO BY Mark S. Burrow on this 10th day of March, 2021, to attest witness my hand and seal of office.

Brenda Atteberry
Notary Public, State of Texas



Service Fee: \$ 60.00

Zimmerman, Zimmerman, Cotner, LeJeune & Ressetar

Job ID#: 2100412

Ref#:

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Envelope ID: 51346154
Status as of 3/10/2021 3:20 PM CST

Associated Case Party: Clifford Hopwood

Name	BarNumber	Email	Timestamp Submitted	Status
Christopher W.Bennett		cbennett@zlawhelp.com	3/10/2021 2:18:32 PM	SENT
Julie Neal		jpledger@zlawhelp.com	3/10/2021 2:18:32 PM	SENT

4/2/2021 1:05 PM

Velva L. Price
District Clerk
Travis County
9-1-GN-21-000772
Nancy Rodriguez

CAUSE NO. D-1-GN-21-000772

CLIFFORD HOPWOOD

IN THE DISTRICT COURT OF

V.

§ TRAVIS COUNTY, TEXAS

**HOME DELIVERY LINK, INC. aka
HOME DELIVERY LINK and
LIVING SPACES FURNITURE**

§ 126TH JUDICIAL DISTRICT

DEFENDANTS' ORIGINAL ANSWER WITH JURY DEMAND

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME, HOME DELIVERY LINK aka HOME DELIVERY LINK and LIVING SPACES FURNITURE, Defendants, in the above numbered and entitled cause, and file this Original Answer and for such Answer would respectfully show the following:

1.

Defendants invoke the provisions of Rule 92, Texas Rules of Civil Procedure; and do thereby exercise their legal right to require Plaintiff to prove all the allegations of his pleading, which are denied, and, accordingly, Defendants generally deny the allegations of Plaintiff's pleading and demand strict proof thereof by a preponderance of the evidence.

2.

AFFIRMATIVE DEFENSES

Defendants would show that Plaintiff's damages, if any, were solely caused by matters or conditions not under the control of Defendants, or by conduct of parties over whom Defendants had no control. Said damages were caused in whole or in part by Plaintiffs' own negligence, acts or omissions. Accordingly, Defendants assert all rights, privileges and remedies afforded or available

to it pursuant to Chapter 33 of the Texas Civil Practices & Remedies Code, and all applicable common and statutory laws of the state of Texas.

3.

Additionally, and/or in the alternative, Defendants would affirmatively show that Plaintiff's injuries and damages, if any, were caused by an unavoidable accident and/or were not the result of negligence of any person or party.

4.

Defendants allege that the actions and omissions of the Plaintiff and/or other various third parties were the sole proximate cause of the alleged injuries and damages, if any, sustained by Plaintiff. Defendants would affirmatively show that Plaintiff's injuries and damages, if any, were caused by the negligence of a third party, including conduct, acts, or omissions of Plaintiff's employer, Black Sheep, LLC, whose negligence may include hiring, training and supervision of Plaintiff that contributed to the accident made the basis of this lawsuit.

5.

REQUEST FOR JURY

Defendants in the above styled and numbered cause respectfully request that this matter be set upon the Court's jury docket for trial by jury at such time as it is set for trial. Defendants would show that in conjunction with this request the requisite jury fee has been tendered to the Clerk of the Court.

WHEREFORE, PREMISES CONSIDERED, Defendants pray that Plaintiff recover nothing, that Defendants recover costs of court, and Defendants request general relief.

Respectfully submitted,

NAMAN, HOWELL, SMITH & LEE, LLC
8310 Capital of Texas Highway North, Suite 490
Austin, Texas 78731
Phone: 512-479-0300
Fax: 512-474-1901
aspynamanhowell.com

BY: 

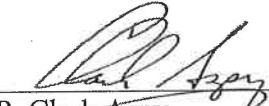
P. Clark Aspy
State Bar No. 01394170
Madison Preston
State Bar No. 24065835

ATTORNEYS FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been forwarded by the manner indicated below to all counsel of record on this 2nd day of April 2021.

Christopher Bennett
Law Offices of Zimmerman, Cotner, LeJeune, Ressetar, Bennett & Lane
3501 West Waco Drive
Waco, Texas 76710


P. Clark Aspy

Automated Certificate of eService

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P. Aspy on behalf of P. Aspy
Bar No. 1394170
caspy@namanhowell.com
Envelope ID: 52090881
Status as of 4/6/2021 2:18 PM CST

Associated Case Party: Clifford Hopwood

Name	BarNumber	Email	TimestampSubmitted	Status
Christopher W.Bennett		cbennett@zlawhelp.com	4/2/2021 1:05:04 PM	SENT
Julie Neal		jpledger@zlawhelp.com	4/2/2021 1:05:04 PM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
P. Clark Aspy		Aspy@namanhowell.com	4/2/2021 1:05:04 PM	SENT

Associated Case Party: Living Spaces Furniture

Name	BarNumber	Email	TimestampSubmitted	Status
Angela MPena		ESERVSana@travelers.com	4/2/2021 1:05:04 PM	SENT
Angela MPena		apena@travelers.com	4/2/2021 1:05:04 PM	SENT